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RCE Amdt. dated 06/20/2005
Reply to Advisory Action mailed 04/29/2005

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REMARKS

This Amendment is responsive to the Advisory Action identified above, and is further responsive in any other manner indicated below.

ENTRY OF PREVIOUSLY UNENTERED PAPERS/AMENDMENTS

A Request for Continued Examination (RCE) Transmittal Form PTO/SB/30 is being filed concurrently herewith. Entry of all papers/amendments previously unentered in preceding prosecution, is respectfully requested. In particular, attention is drawn to Applicant's Amendment filed 18 April 2005, which should be entered prior to entry of this present paper (for proper continuity). All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding any objection(s), rejection(s) and/or the applied prior art, as previously submitted by Applicant, are repeated and incorporated herein by reference.

PENDING CLAIMS

Claims 1-35 were pending in the application, with Claims 19-35 withdrawn from consideration, and Claims 1-18 subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended to adjust a clarity and/or focus of Applicant's claimed invention. That is, such amendments are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 1-35 remain pending in the application, with Claims 19-35 currently withdrawn from consideration and Claims 1-18 pending for further examination.

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ADVISORY ACTION COMMENTS - TRAVERSED/REBUTTED

Applicant respectfully reiterates the following Advisory Action concern(s) and follows with Applicant's comments:

Advisory Action Concern:

When reviewed in light of the cited support on p. 20-32, the "relationships...state of contamination..." appear to include New Matter, because while cited pages support predetermined (= in-advance) state is the thickness or profile or position, they do not support the broadly claimed state that may include composition or microstructure, etc.

Applicant's Comments: Traversal is appropriate, because the feature/limitations of "relationships...state of contamination..." are not new, but instead was disclosed within Applicant's originally filed disclosure. More particularly, Applicant's original disclosure supports numerous example relationships. For example, specification page 31, first paragraph, does support a "profile" relationship. As another example, the specification page 31, last paragraph supports "thickness" relationships. Next, page 25, lines 13-16 state "The computer 41 judges the size of the foreign material by comparing signal strengths for different particle sizes that have been obtained beforehand experimentally...." Page 33, last paragraph, indicates that a "minimum detection sensitivity as small as Φ 0.2 μm " can be detected. (Such tends to support microstructure.) As yet another example, page 36, last paragraph talks about variations between "speckle patterns."

There is no requirement under US patent law that Applicant's disclosure provide disclosure as to all possible ways of achieving or practicing the claimed invention. More particularly, it is respectfully submitted that there is no requirement under US Patent law that an Applicant's disclosure detail every possible embodiment

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of Applicant's invention, and in fact, MPEP §608.01(h) states: "There is no statutory requirement for the disclosure of a specific example. A patent specification is not intended nor required to be a production specification." All that is required is that Applicant disclose the best mode contemplated by the inventors of carrying out his or her invention, and that the description enable any person skilled in the pertinent art or science to make and use the invention without involving extensive experimentation. It is respectfully submitted that Applicant has met such requirements in that Applicant has provided a significant number of exemplary preferred embodiments.

Regarding scope, it is respectfully submitted that, under US patent law, Applicant is not limited to "picture claiming" the specific embodiment(s) within the disclosure, but instead, Applicant is allowed to claim as broadly as the prior art will allow. The Examiner should cite prior art if she desires to reduce a scope of the claims.

Based upon the foregoing, reconsideration and withdrawal of the above-referenced objection/rejection are respectfully requested.

Advisory Action Concern:

Are the 2 "a signal obtained..." & "a state..." in lines 14-18 of claim 1 the same or different limitations?

Applicant's Comments: Applicant respectfully submits that while the signal and state may be related (*i.e.*, have a relationship therebetween), they are DIFFERENT limitations.

Based upon the foregoing, reconsideration and withdrawal of the above-referenced objection/rejection are respectfully requested.

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Advisory Action Concern:

However "predetermined relation of imaging" also on these lines, discussed on p.21, lines 15-end-of-page, while not related to "inside of said plasma", is discussed in relationship to the gathering of scattered light from an area over or "in front of" a wafer (from edge to edge), which is not the scope claimed & if overlapping is narrower, hence also includes new matter. (v) The scope of the last 4 lines of claim 12 need to be similarly evaluated for new matter.

Applicant's Comments: Applicant respectfully traverses for the same reasons set forth above with respect to the "relationships...state of contamination..." new matter concern. That is, in accordance with MPEP §608.01(h), there is no requirement under US patent law that Applicant's disclosure provide disclosure as to all possible ways of achieving or practicing the claimed invention, and Applicant's patent specification is not intended nor required to be a production specification. It is respectfully submitted that Applicant has met patent law requirements by disclosing at least one exemplary preferred (*i.e.*, best mode) embodiment.

Again, regarding scope, it is respectfully submitted that, under US patent law, Applicant is not limited to "picture claiming" the specific embodiment(s) within the disclosure, but instead, Applicant is allowed to claim as broadly as the prior art will allow. The Examiner should cite prior art if she desires to reduce a scope of the claims.

Based upon the foregoing, reconsideration and withdrawal of the above-referenced objection/rejection are respectfully requested.

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RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner Is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.


Applicant filed a Notice of Appeal in the subject application on 18 April 2005. This Amendment is being filed under 37 CFR §1.114 concurrently with a Request for

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Continued Examination (RCE) Transmittal Form PTO/SB/30. Applicant respectfully submits that no Petition or extension/claim fees are required for entry of this paper (18 June 2005 being a Saturday). To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension under 37 CFR §1.136. A Form PTO-2038 is filed concurrently herewith and authorizes payment of the requisite RCE filing fee. Please charge any actual deficiency in fees required for entry of this paper to ATS&K Deposit Account No. 01-2135 (as Case No. 501.41175X00).

Respectfully submitted,



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Concurrent Submissions:

PTO/SB/30

PTO-2038

Submission of Formal Replacement Drawings

Two (2) Sheets FORMAL Figs. 1 and 14